REMARKS

Claims 1-20 are pending in the above-identified patent application. Reconsideration in view of the foregoing amendment and following remarks is respectfully requested.

Claim 12 is amended to more precisely define the Applicant's invention. Specifically, claim 12 has been amended to recite "an interference element including a separator for separating image data into a plurality of colors." Support for this language is found, for example, in claim 19 and in the specification at page 11, line 8 to page 13, line 14. In view of the fact that the foregoing amendment restricts the scope of claim 12 and is supported in the specification as originally filed, entry thereof is in order and is respectfully requested.

Claims 1, 2, 10-13 and 18 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,018,374 to *Wrobleski*.

Independent claim 1 recites a method for distorting a recording of projected images. The method includes the step of imposing an interference on the projected images at a frequency that renders the interference imperceptible to a human viewer. This distortion is recorded on a camcorder or other video recording device. The frequency of the interference signal has

a value such that the difference between the interference signal frequency and the recording camera frame rate is within a viewable range. See specification, on page 2, line 17 to page 3, line 9 and page 8, lines 16-18.

Wrobleski uses an infrared projector as an interference source, projecting an additional infrared image on the screen. The infrared image cannot be visible to the viewers at the theater, and moreover, a recording of the visual image by a video camcorder sensitive to the infrared spectrum will be distorted beyond use. See *Wrobleski*, column 2, lines 10-13. However, because an infrared signal, by its definition, relates to electromagnetic wave frequencies below the visible range, its frequency is imperceptible to a human. The difference between the infrared frequency and the recording frame frequency, which can be 30 Hz, is also imperceptible to a human. Therefore, *Wrobleski* does not teach "a difference between the interference frequency and the recording frame frequency [that] is perceptible to a human," as recited in independent claim 1.

Using an infrared projector as an interference source has been disclosed in applicant's provisional application serial number 60/195,612, from which the pending application claims priority. This technique has the drawback that special IR-

reject filters could be placed over the lens to filter out the IR, thus reducing or eliminating the annoying pattern on the recording. See provisional application, pages 42-43. Accordingly, *Wrobleski* clearly uses a different technique from claim 1 and thus cannot anticipate independent claim 1.

With respect to independent claim 11, the remarks regarding claim 1 herein are equally applicable. In addition, claim 11 recites other features which further differentiate it from *Wrobleski*. Claim 11 specifically recites blanking a projected image at a humanly imperceptible blanking frequency. *Wrobleski*, however, does not mention blanking at all. It only discusses generating an infrared image on a screen. For these reasons, *Wrobleski* clearly cannot anticipate independent claim 11.

As mentioned above, Applicants have amended claim 12 to recite "an interference element including a separator for separating image data into a plurality of colors." The Examiner admits in the Office Action that *Wrobleski* does not teach separating the projected images into a plurality of colors. See Office Action, at 5. Thus, *Wrobleski* also cannot anticipate independent claim 12.

Regarding dependent claims 2, 10 and 18, these claims depend from independent claim 1 and 12, respectively, and

therefore include the features lacking in *Wrobleski*, as noted above. Thus, claims 1, 2, 10-13 and 18, as amended, are allowable over *Wrobleski*.

Claims 3-5, 7-8 and 15 were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Wrobleski* in view of U.S. Patent No. 6,041,158 to *Sato*. These claims depend from claims 1 and 12, respectfully, and thus require either a "difference between the interference frequency and the recording frame frequency … perceptible to a human," as recited in claim 1, or "an interference element including a separation for separating image data into a plurality of colors," as recited in claim 12. Notably, neither *Wrobleski* nor *Sato* teach or suggest either of these features, either alone or in combination. Thus, no combination of *Wrobleski* with *Sato* provides or suggests each element of claim 3-5, 7-8 and 15. For this reason, these claims are non-obvious and allowable over such combination.

Moreover, the fundamental nature of *Wrobleski* and *Sato* mitigates against combining the two references. *Sato* is directed to preventing tape to tape copying using color stripe processing techniques. The video signal frequency in *Sato* has to be in a specific range, for example, at 3.58 MHz. *Wrobleski* uses an infrared projector as an interference source where the

infrared frequency range is quite different from that of the video recorder frequency. Accordingly, modifying either reference to operate in the other's frequency range would render the modified reference inoperative. Thus, the references should not even be combined.

Claims 6, 9, 16-17 and 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Wrobleski* in view of *Sato* and further in view of U.S. Patent No. 5,394,274 to *Kahn*. The Examiner states that the combination of *Wrobleski* and *Sato* does not teach all the features in these claims, but that *Kahn* teaches the missing features.

As previously stated with respect to the *Wrobleski* combination with *Sato*, combining these references further with *Kahn* still utterly fails to disclose or suggest the features of the present invention noted above. Kahn fails to provide the "difference between the interference frequency and the recording frame frequency…perceptible to a human," as recited in independent claim 1, or "an interference element including a separation for separating image data into a plurality of colors," as recited in independent claim 12. Therefore, claims 6, 9, 16-17 and 19-20, being dependent from claims 1 and 12,

respectively, are non-obvious and allowable over any combination of *Wrobleski*, *Sato* and *Kahn*.

Moreover, there is no motivation or suggestion for combining *Kahn* with either *Wrobleski* or *Sato*. *Kahn* is directed to preventing audio tape piracy by incorporating necessary protection circuitry in a audio tape or recorder. See *Kahn* column 1, line 62 - column 2, line 5. However, this technique does not purport to have application with combating piracy of projected images. Therefore, one of ordinary skill in the art would not combine the references, as asserted by the Office Action. Applicant respectfully reminds the Examiner that

> [o]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of referenced can be combined only if there is some suggestion or incentive to do so." ACS Hosp. Systems Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

For each of the claims 6, 9, 16-17 and 19-20 rejected over the combination of these three references, the Examiner Action does not state a motivation found in the references to combine them in the manner recited in the claims. Applicant respectfully requests for each such combination that the Examiner

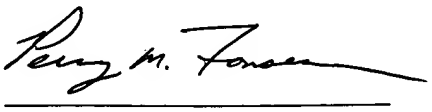
specifically set forth by column and line the motivation to make the proposed combinations.

As it is believed that all of the rejections set forth in the Official Action have been overcome by the amendments and remarks herein, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (973) 596-4525 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 03-3839 therefor.

Respectfully submitted,



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